IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3043 of 2005
Date of Decision: 30.10.2006

Brahma Nand ...Petitioner

Versus

Umed Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.A. Sheoran, Advocate, for the petitioner.

Shri R.S. Sangwan, Advocate, for the respondents.

JUDGMENT

The plaintiff is in revision aggrieved against the order passed by the learned first Appellate Court, whereby the appeal filed by the defendant was accepted and the ad-interim injunction, granted by the learned trial Court, was set aside.

The plaintiff has filed suit for injunction on the basis of purchase of the house from the legal heirs of deceased Sheo Baksh on 25.2.2002 for a sale consideration of Rs.30,000/-, whereas the defendants are relying upon a registered sale deed dated 6.8.2004, whereby 525 square yards of the land situated within the Lal Dora, was alleged to be purchased by the defendants.

The learned first Appellate Court has found that the plaintiff is relying upon an unregistered document, to assert possession, whereas by virtue of the provisions of the Registration Act, 1908, any sale of immovable property valuing more than Rs.100/- is to be effected through a

registered document. Still further, the defendants are relying upon a registered sale deed from Smt. Ballo, who is daughter of Marman, one of the legal heirs of Sheo Baksh. I do not find any error of jurisdiction in the order passed by the learned first Appellate Court, as the plaintiff has sought to protect his possession on the basis of un-registered sale deed. The defendants are relying upon a registered document of sale to assert their possession.

In view of the findings recorded, I do not find any parent illegality or material illegality in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

30-10-2006 (HEMANT GUPTA)
ds JUDGE